



Children and Families Services Annual Complaints and Representations

Performance Report 2022/2023

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1. Summary Headlines

Complaints in 2022/2023

In 2022/2023 a total of 105 cases were considered through the Children Act Statutory Complaints process with the following outcomes:

- 8 Upheld
- 70 Not Upheld
- 18 Partially Upheld
- 2 Withdrawn
- 9 cases unable to consider for following reasons:
 - No consent to share with complainant
 - Issues raised formed part of active court proceedings
 - Issues raised successfully resolved locally by social worker

Compliments in 2022/23

Compliments for 2022/2023 showing comparison with 2021/2022:

2022/2023	2021/2022	% Variance
146	326	44% decrease

Summary of outcomes for 2022/2023 and comparisons for 2021/2022:

Case Outcome	Total 2021/22	% of Total 2021/2022	Total 2022/23	% of Total 2022/2023
Not Upheld	102	75.6%	70	65.4%
Partially upheld	15	11.1%	18	16.8%
Upheld	11	8.1%	8	7.5%
No Case Outcome	4	3.0%	0	0
Withdrawn	3	2.2%	2	1.9%
Non ECC	0	0	9	8.4%
Grand Total:	135	100%	107	100%

What we did well:

- Recorded trends and outcomes for monitoring and learning
- Identified viable improvements and worked with service to implement for the benefit of all customers and the organisation
- Positively worked with service to resolve issues when first raised
- Identified individual needs and treated everyone respectfully
- Continuously reviewed processes to ensure these remained consistent and current
- Managed complaints in line with policy and legislation

What do we need to improve?

- Pay closer attention to what outcome the complainant is seeking at first point of contact
- Introduce regular retrospective sessions with the service to consider wider learning from complaints
- Share trends and outcome reports more widely across the service area throughout the year to ensure any areas of concern are identified
- Increase the proportion of statutory complaints completed at stage 1 within statutory timescales
- Compliance and Complaints to work more closely with the service area highlighting any updates or change in process for a consistent approach
- Compliance and Complaints to follow up on any agreed actions/outcomes to ensure these are completed in a timely manner using service commitments

Purpose of the Report:

The purpose of the Annual Report is to review the operation of the complaints process over a twelve-month period, including statistical data, and to provide the local authority with the means by which it keeps itself informed about complaint themes and how effective its current arrangements are for handling customer complaints. It offers an analysis of what the information obtained from the operation of the complaints process means for the Council.

This report has been produced by Essex County Council's (ECC) Compliance and Complaints Team in order to meet this statutory requirement, to be published on the Council's website alongside ECC's policy and procedural guidance referring to complaints, representation, compliments and comments for Children and Families Services.

Period Covered and Data

This report focuses on Children and Families complaints, compliments, enquiries, and comments for the period 1 April 2022 to the 31 March 2023. The report makes extensive use throughout of data available from the Case and Complaint Management System which is used by the Customer Service Compliance and Complaints Team to record and manage all statutory social care complaints and feedback received by the Team, as well as insight and learning from operational services. The statistical information presented within this report can be verified by reference to this database and is based on the date received. All percentages and costs are rounded to the nearest whole number.

Terms:

The term 'representations' is applied to:

Comments: neutral observations and suggestions

Compliments: positive comments, praise, and thanks

Complaints: expressions of dissatisfaction, seeking a remedy.

Complaint process:

ECC Children and Families is subject to two representations procedures.

1. ECC Corporate Complaints

This is the voluntary ECC complaints procedure, which is referred to as the ECC corporate procedure. The whole directorate, and indeed the whole authority, is subject to this procedure, which provides for any customer or service user making a representation about any aspect of the operation of the directorate.

2. Statutory Social Care Complaints

Children and Families also operates a statutory procedure that relates to a specific range of its activity related to Social Care services provided under The Children Act 1989 and associated legislation. This procedure provides for representations made by or on behalf of any child or young person who may be entitled to receive a service, by or on behalf of a parent or carer of such a child or young person, and by any other person who is deemed to have sufficient interest in the welfare of the child or young person to warrant inclusion in this procedure. This is

referred to as the Children Act procedure. Representations that are eligible for consideration under this procedure may not be handled under the ECC corporate procedure.

In addition, there are procedures for dealing with concerns and complaints about schools. This is different from the above procedures in that, whereas there is no statutory basis for local authorities to handle such complaints, there is an expectation from the Department for Education (DfE) and from parents, carers and the general public that the authority will advise on how to seek resolution

Since complaints against schools are not normally also complaints against the Authority, they are recorded but not reported corporately in the same way as complaints against the authority itself. For this reason, no data on such complaints is included in this report.

Children Act complaints from or relating to children and young people or their representatives are managed through the three staged statutory process. Non statutory complaints from or relating to children and young people are managed through Essex County Council's corporate complaints procedure.

The revised complaints leaflet 'Make Your Voice Heard' specifically for children and young people, their parents, carers are available through various routes, these include online, through social workers, the Rethink Essex Advocacy, and Independent Reviewing Officers. This leaflet is also available in an online format which can be printed and sent to anyone unable to access online facilities. This and further information relating to comments, compliments and complaints, Advocacy and the associated processes is available [online](#).

Complaints and Representations procedures are provided in several formats aimed to facilitate easy access to the complaints process.

Complaints and Representations may also be raised by children and young people or from customers about issues that relate to children and young people by contacting a County Councilor or a Member of Parliament; these enquiries are managed through the Member Enquiries service.

(Full details of the complaints process can be found in Appendix1)

2. Introduction

Background:

Local Authorities are legally required (Children Act 1989, as amended) to have a system in place for receiving representations by, or on behalf of, children and young people who use the social care services they provide or commission.

Representations are defined as comments, compliments and complaints.

The Children Act 1989 places a duty on all Councils to establish and publicise a procedure for the consideration of representations and complaints made to them about the services provided to them under the Act.

The Act also requires that local authorities responsible for Children and Families Services are produce and publish an annual report on the statutory complaints and representations procedures.

Some complaints received do not meet the criteria to be dealt with under the statutory process. When this is the case, these are registered under the Council's corporate complaints procedure. The arrangements for handling these complaints are different from the statutory process in terms of timescales and the independence of the people who investigate and review the complaints.

To contextualise the Children's Act complaints (CA), some information relating to non-statutory complaints, compliments and comments have been included in this report.

3. Executive summary

This report focuses on Children and Families complaints, compliments, enquiries and comments received for the period 1 April 2022 to the 31 March 2023. The report makes extensive use throughout of data, feedback received, as well as insight and learning from operational services.

During the period 1 April 2022 to 31 March 2023 a total of 105 Children Act complaints were received and considered under the statutory complaints process and 107 complaints were resolved. The difference between the resolved and received numbers is due to some complaints still being open on 1 April 2022 from the previous period. There has been a decrease when compared with the previous period 2021/2022. During 2022/2023 8 cases escalated to Stage 2 and 2 cases to Stage 3 of the statutory process which is an increase on previous years.

41% of statutory stage 1 complaints were responded to within 10 working days, with 40% within 20 working days being the maximum timescale allowed for a stage 1 complaint. This meant that 81% of cases were responded to within the statutory timeframes. 19% were responded to in excess of 20 working days which is recognised as requiring improvement. There were a number of reasons for the delays including the complexity of the cases and delays in signing off the complaint being the main causes for the delay.

Whenever timeframes are likely to be exceeded to manage expectations the Compliance and Complaints Team aim to update the complainant and provide an achievable response time.

Representations received were mainly made by parents, grandparents, other relatives or foster carers on behalf of children and young people. 7 complaints were received direct from the young person, with 1 received via legal representation acting on the young person's behalf, 2 from Advocacy Services. The number of direct contacts from children/young people is consistent with those received over the last few years.

A high number of issues are resolved quite swiftly by staff directly involved with children and young people when these are first raised avoiding these being escalated through the complaints process, hence the fairly low number of concerns being raised direct from children and young people. However, the importance of highlighting the complaints process to children and young people is fully recognised by the Children and Families service and the Compliance and Complaints Team who continue to look at different ways of ensuring children and young people know how to

access the complaints process when they are unhappy with any aspect of the service they are receiving from Children and Families.

During 2022/2023 a total of 146 compliments/positive comments were received by the Compliance and Complaints Team in relation to Children and Families.

4. Analysis of Contacts Received

During the period 1 April 2022 to 31 March 2023 105 Children Act complaints were received and considered under the statutory complaints process, compared to 135 for the previous period 2021/2022. This equates to there being around a quarter less complaints in 2022/23 than in 2021/22. During 2022/2023 8 cases were escalated to Stage 2 and 2 to stage 3.

The following data is a summary of cases received each month with comparison for the previous period:

Month by month	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	Total
2021/22 received	8	7	13	20	8	14	9	10	14	11	11	10	135
2022/23 received	14	26	7	7	5	5	6	5	4	11	9	6	105

Method of contact:

The following methods of contact were used during this period:

Method	2021/2022	2022/2023
Email	50	41
Letter	13	5
Online Form	67	53
Telephone	7	6
Have Your Say Leaflets	0	0
In person	0	0
TOTAL:	137	105

During this period the preferred methods were email and the online form with further reductions in letter and telephone contact. Most customers use email and online forms to make complaints. However, other forms of contact remain available and are published on the website to ensure all access requirements are met.

Complaint Themes:

Themes	Number	Percentage
Assessments	30	28.6%
Finance	7	6.7%
Quality of Care	42	40.0%
Safeguarding	14	13.3%
Staff conduct	12	11.4%
Total	105	100.0%

The table below is the number of complaints by quadrant where listed, note that some complaints do not have an assigned quadrant recorded.

Themes	North	South	West	Mid	County Wide
Assessments	8	9	4	7	0
Finance	1	0	2	3	1
Quality of Care	8	10	9	12	1
Safeguarding	5	5	2	2	0
Staff conduct	3	1	1	3	

The following shows typical issues raised in the key theme areas:

- Unhappy with outcome of assessment
- Lack of communication from service
- Children and Families assessment biased and contains inaccuracies
- Inaccuracies in report and poor communication from social worker
- Concerns raised are not followed through by the social worker
- Incorrect information in reports submitted to court
- Unhappy with personal advisor
- Unhappy with level of support

There are common themes raised through the complaints process with perceptions on any failings sometimes intensified due to the emotiveness of the situation. However, in such circumstances action is mostly taken swiftly to successfully resolve matters at first point of contact which may

include an offer of a conciliatory meeting to discuss concerns with a view to seeking suitable solutions.

Complaints made by young people:

The majority of representations received regarding the Children and Families Service were made on behalf of children and young people by their parents, grandparents, other relative or foster carers. The 7 complaints received direct from children and young people in 2022/2023 were all made via email or the online form.

Children and young people tend to raise issues as and when they arise with staff working closely with them resulting in most problems being resolved quite swiftly at the time without the need for these to be escalated through the complaints process. The majority of complaints received are from family members highlighting things that they believe have gone wrong and sometimes without the knowledge of the child or young person but these types of complaints are always an opportunity to ensure the voice of the child or young person is heard and any failings are put right.

Advocacy services also provide support to children and young people resolving problems raised outside of the complaints process.

The complaints received direct from children and young people or via their advocate or legal representative during 2022/2023 were in respect of the following issues:

- Young person unhappy with social worker and that they are not receiving the support they required
- Young person unhappy with a former foster carer and how they made them feel, stating they were unprofessional
- Young person unhappy with advice given to them by a personal advisor
- Young person unhappy with a decision to move them to a different placement
- Young person felt they were incorrectly assessed by social care and they missed out on support and provisions they were entitled to

Demographics:

The Compliance and Complaints Team continues to recognise the importance of collecting this data and makes every effort to capture this information for the purpose of analysis and service improvement. Providing such demographic information is reliant on these details being provided by the customer at point of contact as this is not a mandatory requirement.

The Compliance and Complaints Team are currently reviewing the demographic data that is collated and how they can better capture this information.

Contact by district (relates to where contact/representation is from and not necessarily where the service is being provided from). Contact volumes per district with comparison for previous period:

District	Contact 2021/2022	Contact 2022/2023
Basildon	16	18
Braintree	14	13
Brentwood	3	2
Castle Point	7	2
Chelmsford	14	14
Colchester	18	8
Epping Forest	4	2
Harlow	6	7
Maldon	3	2
Rochford	14	5
Tendring	15	13
Uttlesford	4	7
Countywide	17	12
	135	105

Corporate Complaints:

Non-Statutory complaints relating to children and young people are managed through the corporate complaint procedure. Issues raised that do not meet the criteria to be considered under the Statutory Children Act complaints process are handled through the Corporate Complaints process for the following reasons:

- No consent to share
- Children Social Services not provided by Council
- Complaints of a general nature i.e. not case/service user specific
- Anonymous complaints
- Issues raised form part of active Court Proceedings
- Issues raised that do not relate to the child/young person

During 2022/23 a total of 178 cases were handled through this process which is an increase of 23% when compared to 2021/2022. 20 (11%) cases were Upheld and 19 (11%) partially Upheld.

Local Government and Social Care Ombudsman Investigations:

During 2022/2023 we received a total of 16 enquiries from the Local Government and Social Care Ombudsman relating to Children and Young People’s services with a total of 7 escalating to formal investigation.

A summary of the outcomes of those investigations are as follows:

LGO Investigation Outcome	Number of cases 2021/2022	Number of cases 2022/2023
Not Upheld - No Maladministration or Injustice	0	4
Upheld; maladministration and/or injustice	5	4
Outside Ombudsman Jurisdiction	3	4
Withdrawn	1	0

Member Enquiries:

Children and Families complaints/enquiries represented by a County Councillor or MP are handled under the Member Enquiries process with a current service level agreement of responding within 10 working days.

During 2022/2023 a total of 122 cases were received and recorded as a Member Enquiry, this is a slight reduction on the previous year.

The following is a breakdown of the types of enquiries received and responded to as a Member Enquiry during 2022/2023 with a comparison for 2021/2022:

Member Enquiries	Total 2021/2022	Total 2022/2023
Assessments	19	28
Finance	0	8
Quality of Care	17	15
Safeguarding	59	71

Staff Conduct	1	0
Grand Total	132	122

5. The Independent Advocacy Service

Rethink Advocacy, who are part of Rethink Mental Illness, have been commissioned to provide all age advocacy across Essex since 2018.

In November 2022 Coram Voice who are specialised in Children’s and Young People’s Advocacy were subcontracted by Rethink Advocacy to deliver the children’s element of the Advocacy contract in Essex.

162 referrals were received for the period 2022/2023.

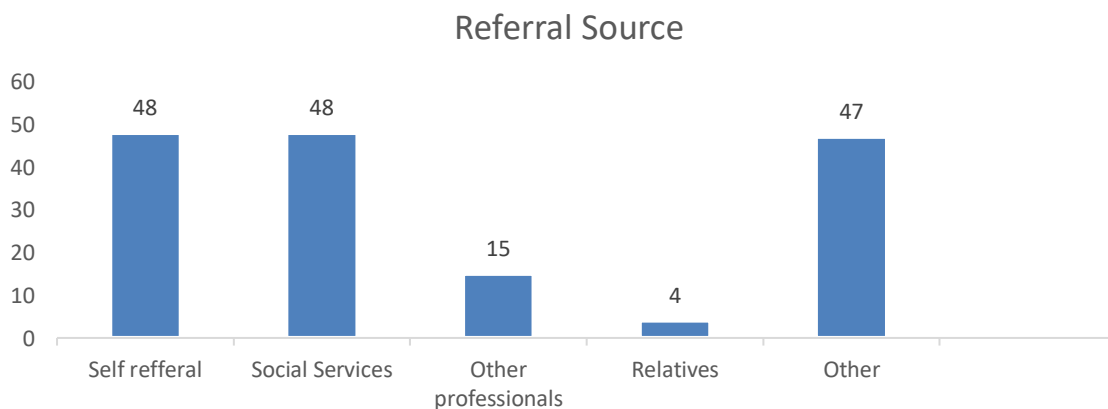
Top 3 most common issues for Rethink from 1 April 2022 – 21 November 2022 (All CYP Referrals)

Support at or Representation at Meetings (Lac/CP)	24
Housing / Accommodation Related Issues	18
Information / exploring options for decision making	17

Top 3 most common issues for Coram Voice from 21 November 2022 to 31 March 2023 (All CYP Referrals)

Support at or Representation at Meetings (Lac/CP)	29
Housing / Accommodation Related Issues	22
Information / exploring options for decision making	13

Source of Top 5 Referrals



Demographics - Ages

	All CYP referrals
0 - 4 Years	1
5 - 9 Years	2
10 – 14 Years	35
15 – 19 Years	104
20 – 24 Years	18
Not disclosed	2
Total	162

Demographics - Ethnicity

Demographics - Ethnicity	
Asian or Asian British - Indian	6
Asian or Asian British - Pakistani	6
Black or Black British - African	5
Black or Black British - Any other Black background	5
Mixed or Mixed British - Any other Mixed background	4
Mixed or Mixed British - White and Black Caribbean	6
Not Disclosed - Form not completed	22
Other Ethnic Group - Any other ethnic group	6
White - British	98
White - European	2
White - Irish	1
White- Gypsy or Irish Traveller	1
Total	162

Demographics - Gender

	All CYP referrals
Male	80
Female	73
Unanswered	9
Total	162

The introduction of a more specialised Children and Young People’s Advocacy Service should help to continue to improve the existing service being offered to young people in Essex.

Advocacy has continued to make a positive and empowering impact on children and young people with many varied issues being raised.

6. Compliments Analysis

During 2022/2023 a total of 146 compliments/positive comments were recorded by Compliance and Complaints in relation to Children and Families. This represents a decrease of 44% compared to 2021/2022 but is more consistent with data from 2020/21.

Compliments received per quadrant:

North – 117

Mid – 16

South – 12

West – 0

Countywide - 1

Further positive feedback may have been received by individuals within each quadrant, but the above only highlights those compliments forwarded onto Compliance and Complaints to record. It is recognised that North quadrant have significantly more compliments due to different practice in sharing compliments, a review is being undertaken with the other areas to share this practice and ensure compliments are recorded consistently.

Typical themes from compliments received:

- Professional
- Efficient
- Passionate
- Caring
- Goes above and beyond
- Transparent and honest
- Supportive
- Understanding
- Patience
- Empathy

Compliments received by individual teams across Children and Young People's service are usually shared with the Quadrant, Team or Service Manager who then forward these onto the Compliance and Complaints team.

Compliments received are also shared in team meetings for recognition, learning and discussion.

The Council actively encourages and welcomes feedback both negative and positive for continuous improvement. Compliments received are extremely valuable as they identify areas of good practice and ensure good experiences are maintained and shared across the organisation.

Positive feedback received is encouraging for the Children and Families service, it helps put any complaints received into context and demonstrates that the hard work undertaken by the service and their commitment is valued and appreciated by the people they support.

Feedback:

Highlights of some of the positive feedback received:

Social worker was understanding and supportive at a time of great emotional strain and pressure. The social worker went above and beyond and provided very helpful advice so their son could continue to be supported in the home environment.

It makes a huge difference when a social worker gets to know the child properly, it was so obvious from the smiles and 'talking' that he had a real connection with them. The child's welfare and safety was their top priority and they always had time for a play and a cuddle with him.

Social worker has been easy to relate to and makes time for the family. Customer states the family do not feel like they are just another job in their day and she makes us stop and think. Customer states they have learnt from meetings and feels better able to manage things going forwards. Customer states they feel calmer and more relaxed at home and it has improved their relationship.

Foster carer has praised her social worker for her support and hard work, always going above and beyond.

Fostering Team have really helped with complex situation enabling everyone involved to communicate effectively and share their thoughts. Customer feels the support they received was wonderful and the team were understanding of young children's needs.

Social worker treated her like a person, listened to her and acted sensitively. Social worker is amazing, cares, and is a testament to her work and herself as a person.

Without the support of ECC the placement would have broken down. Customer states they felt that they had a real team working around the child and they came back to live in Essex to have better support for them and the child which has been achieved.

7. Learning

Summary of some learning within the Children and Families service:

Importance of communication:

Effective communication is key even when an answer is not available it is important to keep families updated. One complaint implemented an agreed update plan which managed the family's expectation around when they would receive an update and how that update would be received.

Private care arrangements:

Making sure both staff and families are aware of the implications of such an arrangement. It has sometimes been unclear to family members such as grandparents when they have taken on responsibility for caring for a child what support is available to them. Improvements have been made around these processes to ensure additional information is available to help support families in this scenario.

Age assessments:

Updated guidance and processes shared across teams on correct practice as a result of several complaints received on behalf of young asylum seekers. Following the changes in process no further complaints were received of this nature.

Young people presenting as homeless:

Following a complaint received work was undertaken to review case files of 16 & 17 year olds who had presented as homeless to ensure they had all been offered the correct support and consideration of them being accommodated under Section 20 of Children Act 1989 was applied rather than Section 17. This change ensures children are supported for longer and receive the appropriate support after leaving care, with education and financially.

8. Next Steps

The Compliance and Complaints team aim to work together with operational services to deliver a seamless experience for our customers. Listening and acting on what they tell us and using learning to help improve and evolve service delivery. Our objective is to recognise where we have failed, seek suitable resolutions within agreed timescales and ensure our obligations are fully met in line with the formal complaints process and Local Government and Social Care Ombudsman expectations.

Complaints received are viewed as an opportunity to learn from any failings and make improvements. We must embrace complaints to improve services and respond to these openly and honestly.

Complaints do not only highlight failings as upon review these also show very good examples of good practice, and we should also not lose sight of what we do well.

The following points highlight areas for improvement going forward:

- A renewed focus on the outcome the customer is seeking
- Improved follow up on any agreed actions because of a complaint, keeping our commitment to the customer
- Providing clearer responses to complaints, a new format is in place for complaint responses to ensure it is clear that all points have been addressed and any outcome/action as a result
- Compliance and Complaints to continue to work in collaboration with Children and Families identifying any working practice improvements benefitting both service areas
- Further complaint training opportunities made available to all staff within Children and Families to ensure thorough and transparent complaint investigations are carried out
- Compliance and Complaints to continue to work with Children and Families to look at different ways to engage with children and young people, raising awareness of the complaints process and how they can get their voice heard

- Continue to work closely with the Local Government and Social Care Ombudsman, ensuring any Ombudsman enquiries are responded to within the timescale given, all recommendations are actioned promptly and any learning from the Ombudsman complaints are disseminated across the service area
- Continue to work collaboratively with the Children and Families service to ensure the consistent good complaint quality and response times are maintained

Appendix 1

The Complaints Procedure

The Children Act 1989 Representations Procedure (England) Regulations 2006 applies to all representations received from children and young people, their parents, foster carers or other qualifying adults about the Council's Children and Young People's Services.

Some of the key features of the procedure are:

A 12-month time limit for service users or their representatives to make complaints

A requirement for local authorities to appoint a Complaints Manager, independent of operational line managers and of direct service providers

A requirement for local authorities to make arrangements for the provision of advocacy services to children and young people making or intending to make representations, including complaints

Three Stage Complaints Procedure

The Local Authority should actively seek to resolve a complaint for a member of the public as early in the procedure as possible. The Department for Education and Skills guidance document *"Getting the Best from Complaints"* which accompanies *"The Children Act 1989 Representations Procedure (England) Regulations 2006"* provides us with robust and structured steps to not only assist us in implementing our obligations under the Statutory Complaints Procedure but also supports us to have a member of the public's concerns and complaints resolved swiftly and wherever possible by officers responsible for providing the service locally.

The three-stage process provides members of the public with a statutory right to progress through the Stages should they remain dissatisfied with the Local Authorities response and whilst we should always seek to resolve a complaint expeditiously, we also have a duty to inform a complainant of their right to progress to the next stage of the complaint's procedure.

The philosophy of the three-stage process is to provide a Local Authority with ample opportunity to investigate complaints and put things right for a complainant should we find that the service to them has been less than Statutory Expectations or our own localised procedural standards and to minimise the need for a complainant to take their issue up with the Local Government Ombudsman.

Stage 1 - Local Resolution

This gives operational managers the opportunity to resolve the complaint at a local level. The procedure requires that Stage 1 complaints are concluded within 10 working days, however, with the agreement of the complainant this can be increased to 20 working days. The maximum time for a Stage 1 investigation is 20 working days and will often be required for more serious complex complaints and provides managers with the opportunity to meet with complainants in order to mediate a complaint to resolution.

Where the matter is not resolved or if the complainant requests it, the complaint can be formally investigated at Stage 2. The complainant has 20 working days to request consideration at Stage 2 following receipt of the Stage 1 outcome letter.

Stage 2 – Independent Investigation

When the complainant remains unhappy after a Stage 1 investigation, or the complaint is serious enough to warrant a more formal investigation the Complaints Manager can commission an Independent Investigation. Stage 2 investigations have a statutory timescale of 25 working days and can be conducted by an Internal Investigator or an Independent Investigator [external to the Local Authority but with experience of undertaking Social Care Investigations].

However, where it isn't possible to complete the investigation in these timescales, a further extension can be negotiated with the complainant. The investigation and adjudication process should be concluded within 65 working days.

An independent person, external to the Council is appointed by the Complaint's Manager to oversee the objectivity and fairness of the investigation and to also keep the child's interests at the centre of an investigation.

At the end of a stage 2 Independent Investigation the department can offer the complainant an Adjudication Meeting facilitated by the Complaints Manager where the appointed senior manager [in the role of Adjudicating Officer] can discuss the Investigators' findings and recommendations and inform the complainant of what action the Local Authority is going to take to resolve the complaint. Following this the Adjudicating Officer will formalise and confirm its position to the complainant in writing.

Stage 3 – Review Panel

If the complainant is dissatisfied with the outcome at Stage 2, the complainant can request that the Independent Investigation is reviewed by a panel which consists of 3 independent panel members external to the Local Authority and appointed by the complaints manager.

The panel considers the complaint’s investigation and can make recommendations for the consideration of the Director of Children’s and Young People’s Services. Such consideration forms the end of the statutory requirement.

Summary of Stage 3 Timescales

Action:	Timescale:
Complainant requests Review Panel	Up to 20 working days after receipt of the Stage 2 adjudication
Complaints Manager acknowledges request	Within 2 working days
Complaints Manager appoints Chair and confirms attendees and contents of panel papers with Chair	Within 10 working days of the complainant’s request for Review Panel
Local authority agrees the other Panellists and date for Review Panel	Within 30 working days of the complainant’s request for Review Panel
Local authority circulates panel papers	Within 10 working days of the date for the Review Panel
Review Panel produces written report (including any recommendations)	Within 5 working days of the Review Panel
Relevant Director issues their response	Within 15 working days of the Review Panel’s report

Local Government and Social Care Ombudsman (LGSCO)

If a complainant remains dissatisfied following exhaustion of all three stages of the complaints process, they can take their complaint to the Ombudsman. A complainant can refer to the Ombudsman at any point, but the Ombudsman normally provides the Local Authority with the opportunity to process through all stages of the complaint’s procedure. Although there are occasionally exceptions depending on the nature of the case when the Ombudsman decides to still investigate even if the Council has not had the opportunity to try and resolve the issue in the first instance. These exceptions are as follows:

- Issue extremely urgent
- Complainant is particularly at risk if issue not resolved quickly
- Complainant is vulnerable
- Complainant has severe disabilities
-

The LGSCO can look at complaints about most Council services and will look at where things have gone wrong in the way a service has been delivered, if a service has not been delivered at all, or the way a decision has been made. Although they cannot question what a Council or Care Provider has done simply because the complainant does not agree with it.

The LGSCO will look for any maladministration or injustice caused, and the following is an example of fault:

- took too long to do something
- did not follow its own rules or the law
- failed to meet expected standards of service
- gave the complainant wrong information
- did not tell the complainant of their right of appeal against a decision, or took a decision in the wrong way, such as, not taking all the relevant information into account or taking into account irrelevant information or not following its own procedures properly.

The LGSCO will not normally investigate a complaint if they consider a complainant has not suffered significant personal injustice, or if the Council or Care Provider has already taken, or is willing to take, satisfactory action to resolve it.

If the LGSCO find that something has gone wrong which has caused problems for the complainant, they can ask the Council or Care Provider to take action to put the matter right. Such remedies can be an apology, a system or process change or a financial reward.

Examples of problems caused to the complainant:

- did not get a service or benefit they were entitled to or there was a delay before receiving it
- suffered financial loss, or
- were put to a lot of avoidable expense, trouble, or inconvenience.

Maladministration:

- Delay
- Incorrect Action or Failure to take any action
- Failure to follow procedures or the law
- Inadequate record keeping
- Failure to reply
- Misleading or inaccurate statements
- Inadequate consultations
- Broken promises

Injustice:

- Hurt feelings
- Distress
- Worry
- Inconvenience
- Financial loss or unnecessary expense
- Time and trouble in pursuing a justified complaint
- Not receiving an entitled service

This information is issued by:

Essex County Council

Contact us:

www.essex.gov.uk/complaints

www.essex.gov.uk

0333 0139 815

The information contained in this document can be translated, and/or made available in alternative formats, on request.

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